UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.75
18 June 1997

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Fifteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Paraguay

1. The Committee began consideration of the initial report of Paraguay (CRC/C/3/Add.17) at its 167th and 168th meetings (CRC/C/SR.167-168), held on 4 and 5 October 1994. At its 183rd meeting, held on 14 October 1994, it adopted preliminary observations (CRC/C/15/Add.27), and requested further information from the State party based on its written list of issues (CRC/C.7/WP.2) and questions and concerns raised orally with the delegation. The State party submitted the additional information requested (CRC/C/3/Add.47) which was considered at the Committee's 385th meeting (CRC/C/SR.385), held on 28 May 1997, and adopted* the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for the submission of its initial report, the additional information subsequently supplied and the State party's willingness to engage in an open dialogue with the Committee in both October 1994 and May 1997. The written answers to the Committee's list of issues (CRC/C.7/WP.2), as well as the response of the delegation to oral questions and concern expressed during the examination of the initial report allowed the Committee to have a useful and constructive discussion with the State party.

---

* At the 398th meeting, held on 6 June 1997.

B. Positive factors

3. The Committee takes note of the provision of the 1992 Constitution that not less than 20 per cent of the national budget must be devoted to education, and welcomes the steps taken by the State party to make education available throughout the country through an ambitious school-building programme and its efforts to improve the quality of education. In this regard, the Committee views efforts by the State party to reduce the very high drop-out rate by grade six as an important component of a strategy to limit phenomena such as child labour and children working and/or living on the street. The Committee further welcomes the provision in the 1992 Constitution that in the early years of schooling teaching shall be in the student's native language, the provision of instruction in both Spanish and Guaraní, and the measures that have been adopted under the Strategic Educational Reform Plan (Paraguay 2020) to address the problems faced by Guaraní-speaking children in basic education.

4. The Committee welcomes the priority being given by the State party to health, in particular health care for children, including efforts to reduce child mortality, facilitate breastfeeding, support nutrition programmes and increase access to clean drinking water.

5. The Committee also welcomes steps that have been taken to reinforce the independence of the judiciary and the judicial apparatus which is concerned with legal issues relating to children and juveniles.

6. The Committee views positively the technical cooperation programme provided to the State party through a joint programme supported by the High Commissioner/Centre for Human Rights and the United Nations Development Programme (UNDP), as well as the support provided by the United Nations Children's Fund (UNICEF) for various programmes to benefit children in Paraguay.

C. Factors and difficulties impeding the implementation of the Convention

7. The Committee notes that the State party is still going through a period of transition to democracy. The Committee recognizes that the legacy of certain authoritarian attitudes hampers the effective implementation of the rights of the child, and that Paraguay inherited a public infrastructure which did not give priority to education, health or social welfare institutions. The Committee acknowledges that the existing inadequacies of the public service and the high rate of population growth impede the full achievement and enjoyment of the rights recognized in the Convention.

D. Principal subjects of concern

8. While acknowledging the efforts undertaken by the State party to adopt a new Juvenile Code for improving protection and promotion of the rights of the child, the Committee is concerned that since 1991 several draft bills have been prepared but none has yet been adopted.

9. The Committee is concerned that sufficient attention does not seem to have been paid to the development of a coordinating mechanism to monitor the implementation of the rights of the child in the State party. The Committee is equally concerned about the extent to which the bodies established to consider the situation of children are provided with the support and resources they will need to fulfil their designated functions.

10. The Committee is concerned about the need to strengthen the State party's limited capacity to collect and process data, as well as to monitor specific indicators to evaluate progress achieved and to assess the impact of existing policies on children, in particular the most vulnerable children.

11. The Committee remains concerned that the present approaches to the implementation of the rights of the child in the State party do not sufficiently encourage and strengthen popular participation and public scrutiny of government policies.

12. The Committee is of the view that, in spite of the fact that some measures have been taken to make the principles and provisions of the Convention known to adults and children alike (for example, by portraying the Convention in cartoon form in both official languages to facilitate its understanding by young children), efforts in this regard need to be continued and intensified.

13. The Committee is also concerned that persons working with and for children, including judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school managers, health personnel, social workers, officials of the national and local administrations and personnel of child care institutions, lack sufficient knowledge about the Convention and other relevant international instruments relating to the rights of the child.

14. The Committee wishes to express its concern that the principles and provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), have not yet been fully taken into account in legislative and other measures relevant to children.

15. Within the framework of the implementation of article 4 of the Convention, relating to the allocation of resources to the "maximum extent" possible, the Committee is concerned that the national and local-level budgets have allocated insufficient funds to the social sector, especially with regard to the ability to respond effectively to the situation of the most vulnerable children.

16. The Committee is concerned that some sectors of Paraguayan society are not yet sufficiently sensitive to the needs and situation of the girl child. It also notes that discrimination against minority and indigenous children persists, contrary to the provisions of article 2 of the Convention.

17. While the Committee welcomes the official policy of the State party that no person under 18 can be recruited for military service or serve, even with parental authorization, it is concerned that in practice this policy is not always enforced and that there are still under-age juveniles coerced or pressured into military service.

18. The Committee is concerned that inadequate measures have been taken to implement the provisions of articles 7 and 8 of the Convention, particularly with regard to ensuring registration of births, especially among the indigenous population, and that children are not systematically provided with the necessary birth certificates and other documents to protect and preserve their identity.

19. The Committee is concerned at the large number of children who are not acknowledged by their fathers and the inadequate measures taken to force fathers to be responsible for the welfare of their children.

20. The Committee expresses its concern that although the State party has imposed a provisional moratorium on intercountry adoptions pending the approval of legislation on this subject, no law has yet been passed; it is gravely concerned at alleged trafficking in children in violation of the provisions and principles of the Convention, particularly articles 3, 21 and 35.

21. The Committee notes that the social and economic disadvantages faced by children, in particular those living in rural and certain urban areas, have led to various forms of exploitation of those children, including their placement as domestic servants in wealthier families, thus exposing them to ill-treatment and abuse, including sexual abuse in some cases.

22. While welcoming the priority given by the State party to health, the Committee expresses its concern about the high rates of infant and child mortality, malnutrition and infectious diseases, as well as the unresolved difficulties in providing country-wide maternal and child health services.

23. The Committee is concerned by the absence of large-scale public campaigns for the prevention of unwanted pregnancies, STDs and HIV/AIDS, especially for children and adolescents. It is also concerned about the lack of sufficient reproductive health information and services for adolescents.

24. The Committee is concerned that adequate measures have not yet been taken to fully guarantee in practice the right of indigenous students to education in their native language, Guaraní.

25. The Committee expresses its concern at the phenomenon of children working and/or living on the street, and at the inadequate measures to tackle this issue.

26. The Committee also expresses its concern at the prevalence of prostitution among children and adolescents.

27. The Committee is concerned that the State party does not have a clear strategy to combat the abuse and sexual exploitation of children.

28. The situation in relation to the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, is a matter of concern to the Committee. The Committee remains particularly concerned, inter alia, about alleged ill-treatment of children in detention centres. The Committee is also gravely concerned that a significant percentage of juveniles are deprived of their liberty for extended periods without being charged or brought to trial. It is also concerned that in at least one major detention centre, persons who have been convicted and those awaiting trial are not housed separately.

E. Suggestions and recommendations

29. The Committee recommends that the comprehensive new Juvenile Code currently being drafted be in conformity with the principles and provisions of the Convention and encourages the State party to finalize and adopt it in the near future.

30. The Committee recommends that the State party strengthen coordination between the various governmental bodies and mechanisms involved in children's rights, at both the national and local levels, with a view to developing a comprehensive policy on children and ensuring effective evaluation of implementation of the Convention. The Committee also encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular.

31. The Committee encourages the State party to continue and strengthen its efforts to develop a close partnership with non-governmental organizations (NGOs).

32. The Committee also recommends that the State party give priority attention to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children in society. Such mechanisms can play a vital role in systematically monitoring the status of children, evaluating progress achieved and difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly the most disadvantaged, including children with disabilities, the girl child, children ill-treated and abused within the family, in institutions or deprived of liberty, children who are victims of sexual exploitation and children who live and/or work on the street. It is further suggested that the State party request international cooperation in this regard.

33. The Committee recommends that the State party launch a systematic information campaign, for both children and adults, on the Convention on the Rights of the Child. Consideration should be given to incorporating the Convention in the curricula of all educational institutions and appropriate measures should be taken to facilitate access by children to information on their rights. The Committee also suggests that the State party direct further efforts towards providing comprehensive training programmes for professional

groups working with and for children such as judges, lawyers, magistrates, law enforcement personnel, army officials, teachers, school managers, health personnel, social workers, officials of national or local administrations and personnel of child care institutions.

34. The Committee recommends that the State party take fully into account the general principles of the Convention (arts. 2, 3, 6 and 12) in its legislation, particularly in its new Juvenile Code, and in its policies and programmes.

35. In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by all children including the most disadvantaged. In this regard, the Committee suggests that the authorities responsible for overall planning and budgeting be fully involved in the activities of governmental bodies and institutions dealing with children's issues, with a view to ensuring that their decisions have a direct and positive impact on the budget.

36. The Committee encourages the State party to enforce rigorously legislation on the minimum age for recruitment into the military.

37. The Committee further recommends that all appropriate measures be undertaken, including information campaigns, to prevent and combat all prevailing forms of discrimination against girls and minority or indigenous children, especially those living in rural areas, with a view, inter alia, to promoting their access to basic services.

38. The Committee recommends that the State party take all appropriate legislative, administrative and other measures to ensure registration of birth, especially in minority and indigenous communities and communities in remote areas. The Committee further recommends that the State party institute awareness-raising campaigns among the public, as well as among civil servants.

39. In the spirit of articles 18 and 24 paragraph 2 (f), of the Convention, the Committee recommends that the State party promote parent education and family counselling and take measures to ensure adherence to the principle that both parents have common responsibilities for the upbringing of children.

40. Following the Government's national campaign to prevent abuse and ill-treatment of children, the Committee suggests that the State party continue to raise awareness about this issue and systematically monitor all types of child abuse, including in institutions.

41. In light of article 21 of the Convention, the Committee strongly recommends that the State party enact legislation on adoption that is in conformity with the principles and provisions of the Convention.

42. While welcoming the recent ratification by the State party of The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the Committee encourages the State party to take appropriate action to ensure the entry into force of this Convention.

43. The Committee recommends that the State party take adequate measures, including through awareness-raising campaigns, to prevent the abandonment of children and to protect poor single mothers from illegal networks of child traffickers.

44. The Committee recommends that the State party take all appropriate measures to combat the phenomenon of children working and/or living on the street. Pupil retention programmes and vocational training for drop-outs should be encouraged. The Committee also recommends that the authorities provide special training to law enforcement personnel to prevent the stigmatization, abuse and ill-treatment of these children. Furthermore, the Committee encourages the State party to consider ratification of ILO Convention No. 138 concerning the minimum age for employment.

45. The Committee suggests that the State party consider seeking technical assistance to continue to improve its efforts to make primary health care accessible to all children and develop a comprehensive strategy and programmes for mother and child health care. The Committee further suggests that the State party promote adolescent health by strengthening reproductive health and family planning services to prevent and combat HIV/AIDS, other STDs and teenage pregnancy.

46. The Committee recommends that the authorities take all appropriate measures to guarantee the full implementation of the right of the child to be educated in his/her own language.

47. With a view to preventing and combating sexual abuse and exploitation of children, in particular prostitution, the Committee recommends that the State party take all appropriate measures, including the adoption of relevant legislation and the formulation of a national policy, and suggests that it seek international assistance in this regard. It further recommends that the authorities promote the implementation of article 39 of the Convention by strengthening the capacity of existing rehabilitation centres.

48. The Committee recommends that the State party undertake a comprehensive reform of its juvenile justice system in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to protecting the rights of children deprived of their liberty, improving alternative measures to imprisonment and guaranteeing due process of law. Training on the relevant international standards should be provided for all professionals involved with the juvenile justice system. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

49. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and additional information presented by the State party be made widely available to the public at large and that the publication of these documents be undertaken, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.